

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DARRYL BROWN,	:	
	:	
Petitioner,	:	
	:	
-against-	:	20-CV-10491 (VSB)
	:	
LETITIA JAMES, et al.,	:	<u>ORDER</u>
	:	
	:	
Respondent.	X	

VERNON S. BRODERICK, United States District Judge:

I am in receipt of pro se Petitioner Darryl Brown’s (“Petitioner”) motion for appointment of counsel and application to proceed in forma pauperis in connection with his motion for appointment of counsel. (Docs. 25–26.)


At the time Petitioner filed his petition for a writ of habeas corpus and supporting memorandum of law, (Docs. 1–2), he was represented by his former counsel, Mr. Joey Jackson (“Mr. Jackson”). On December 15, 2020, I referred the case to Magistrate Judge Katharine Parker for a report and recommendation, (Doc. 5), and on August 31, 2021, Judge Parker recommended that I dismiss the Petition. (Doc. 14.) On July 5, 2023—after Petitioner, still counseled, filed objections to the report on October 14, 2021, (Doc. 17)—I issued an Opinion & Order dismissing the Petition. (Doc. 18.) Petitioner then filed a letter on August 7, 2023 requesting that the Clerk of the Court “notify [him] by mail if Mr. Jackson did file a Notice of Appeal on [his] behalf, or if he failed to do so.” (Doc. 19.) I ordered Mr. Jackson to provide a status update addressing Petitioner’s letter, which Mr. Jackson filed on October 5, 2023, detailing his representation of Petitioner and explaining that he is “no longer in a position to continue [his] representation.” (Doc. 21 at 2.) I directed Mr. Jackson to properly withdraw as

counsel in accordance with Local Rule 1.4, which he did on October 16, 2023, (Doc. 24), and granted Petitioner leave to file a late notice of appeal. (Doc. 22.)

Petitioner filed his notice of appeal on November 16, 2023, (Doc. 27), and filed the instant motion for appointment of counsel and application to proceed in forma pauperis on November 20, 2023, (Docs. 25–26.) Due to Petitioner’s representation to the Court that he intends to appeal this Court’s Opinion & Order issued on July 5, 2023, Petitioner is instructed to submit to the Pro Se Intake Unit the “Motion for Leave to Proceed in Forma Pauperis on Appeal” form, and accompanying affidavit, available at <https://www.nysd.uscourts.gov/forms/motion-leave-proceed-forma-pauperis-appeal-civil>. The Clerk of Court is respectfully directed to terminate the pending motions, (Docs. 21, 25), and to mail a copy of this order and the above-referenced forms to the pro se Petitioner.

SO ORDERED.

Dated: November 30, 2023
New York, New York


Vernon S. Broderick
United States District Judge